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April 5, 1999

Ms. Magalie Roman Salas
Federal Communications Commission
The Portals
445 - 12th Street, S.W.
Washington, DC 20554

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APR 05 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

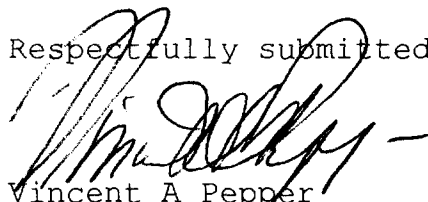
Re: Petition for Rulemaking
Amendment of Section 73.202(b)
Table of Allotments, FM Broadcast
Stations, Pacific Junction, Iowa
Counterproposal
RM-9425
MM Docket - 99-50

Dear Ms. Salas:

Transmitted herewith on behalf of Mitchell Broadcasting Co. of Iowa, Inc. is an original and four (4) copies of its Counterproposal in the above-referenced proceeding.

If you have any questions regarding this filing, kindly contact the undersigned.

Respectfully submitted,



Vincent A. Pepper
Counsel to
Mitchell Broadcasting, Inc.

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re:

Petition for Rulemaking of
Warga Broadcasting, L.L.C.

RM - 9425
MM Docket - 99-50

Amendment of Section 73.202(b)
Table of Allotments, FM Broadcast
Stations (Pacific Junction, Iowa)

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APR - 5 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: CHIEF, ALLOCATIONS BRANCH

COUNTERPROPOSAL

Pursuant to Section 1.420(d) of the Commission's rules, 47 C.F.R. § 1.420(d) (1998), Mitchell Broadcasting Co. of Iowa, Inc. hereby submits a Counterproposal to the Petition for Rulemaking ("Petition") filed by Warga Broadcasting, L.L.C. ("Warga") on November 30, 1998, to amend the Table of Allotments, FM Broadcast Stations, 47 C.F.R. §73.202(b) (1998), to allot Channel 299A at Pacific Junction, Iowa. The Commission released a *Notice of Proposed Rulemaking*, DA 99-319 ("NPRM") on February 12, 1999 seeking comments and counterproposals to Warga's Petition.

As detailed below, Mitchell proposes that Channel 299 be allocated to Pacific Junction, Iowa, as a Class C3 facility, rather than as a Class A facility proposed by Warga. The attached engineering study, *Exhibit One*, demonstrates that Channel 299C3 can be allocated to Pacific Junction in compliance with the Commission's current separation requirements. In further support of this Petition, the following is submitted:

1. Mitchell requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channels Allotted</u>	<u>Proposed Channels Allotted</u>
Pacific Junction, Iowa	***	299C3

As evidenced in Warga's Petition, Pacific Junction, Iowa qualifies as a community of license under the Commission's rules.

2. Currently, there are no other radio stations licensed to Pacific Junction, Iowa.
3. Warga's Petition contemplates the allotment of a Class A facility to Pacific Junction, Iowa. Exhibit Two of the Petition specifies that the 60 dBu coverage of the facility as proposed will serve 367,700 persons. *Petition*, Exhibit Two, pg. 3.
4. Exhibit One to the instant pleading demonstrates that Channel 299 can be allocated to Pacific Junction as a Class C3 facility. Further, as shown in the exhibit, the allocation of a Class C3 facility would permit an additional 25,172 persons to be served by the Class C3 facility, with an increase in the service area of 2,409 square kilometers. Clearly, this proposal better serves the public interest, and will result in a more preferential arrangement of allotments than that specified in Warga's Petition. 47 U.S.C. § 307(b) (1998); *Revision of FM Assignment and Procedures*, 90 FCC 2d 88 (1982). Further, Exhibit Two displays that the Class C3 facility will provide city grade coverage (70 dBu or 3.16 mV/m) to the entire community.
5. Finally, as provided in Exhibit Three, Mitchell certifies that it has a present intention to apply for the new channel when allotted, and that, when authorized, Mitchell will build the authorized facility promptly and commence operation.

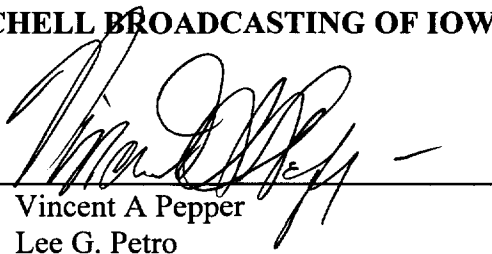
WHEREFORE, for the foregoing reasons, Mitchell Broadcasting Co. of Iowa, Inc. hereby requests that the Commission grant its Counterproposal to the Petition for Rulemaking

filed by Warga Broadcasting L.L.C., and allocate Channel 299C3 to Pacific Junction, Iowa as its first local broadcast service.

Respectfully submitted,

MITCHELL BROADCASTING OF IOWA, INC.

By

A handwritten signature in black ink, appearing to read "Vincent A. Pepper", is written over a horizontal line.

Vincent A Pepper
Lee G. Petro

Its Attorneys

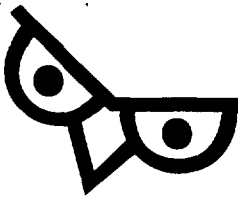
PEPPER & CORAZZINI, L.L.P.

1776 K Street, N.W., Suite 200
Washington, D.C. 20006
(202) 296-0600

April 5, 1999

EXHIBIT ONE

Engineering Statement of Owl Engineering, Inc., dated April 1, 1999.



ENGINEERING & EMC TEST LABS, INC.

**CONSULTING COMMUNICATIONS ENGINEERS
EMC TEST LABORATORIES**

**8899 Hastings St. N.E., Minneapolis, MN 55449
(612) 785-4115 • Fax (612) 785-4631
1-800-797-1338**

**ENGINEERING STATEMENT ON BEHALF OF
MITCHELL BROADCASTING CO. OF IOWA, INC
IN SUPPORT OF COMMENTS AND A COUNTERPROPOSAL
PACIFIC JUNCTION, IOWA CHANNEL 299 A**

APRIL 1, 1999

**ENGINEERING STATEMENT ON BEHALF OF
MITCHELL BROADCASTING CO. OF IOWA, INC
IN SUPPORT OF COMMENTS AND A COUNTERPROPOSAL
PACIFIC JUNCTION, IOWA CHANNEL 299 A
APRIL 1, 1999**

Owl Engineering, Inc. has been retained by Mitchell Broadcasting Co. of Iowa, Inc. (hereafter "Mitchell") to prepare this engineering statement in support of comments and a counterproposal in reference to RM-9425, MM Docket No. 99-50 for the creation of a new Class A channel in Pacific Junction, Iowa. An alternative option is advanced with these comments.

Below is a summary of the proposed amendments to the FM Table of Allotments, FCC Rule Section 73.202(b) in this proceeding.

Location	Present	RM-9425	Counterproposal
Pacific Junction	-----	299 A	299 C3

Based on the 1990 Census data, Pacific Junction, Iowa has a population of 511 people and is a populated place. The reference coordinates for this counterproposal site is:

41° 8' 32.8" North Latitude
95° 33' 39" West Longitude

Using these reference coordinates the results of an allocation study shows that a new Class C3 facility would meet all the required spacing and separation requirements of the FCC Rules.

**ENGINEERING STATEMENT ON BEHALF OF
MITCHELL BROADCASTING CO. OF IOWA, INC
IN SUPPORT OF COMMENTS AND A COUNTERPROPOSAL
PACIFIC JUNCTION, IOWA CHANNEL 299 A
APRIL 1, 1999**

***** FM CHANNEL SPACING STUDY *****

Job title: FM Study Pacific Junction
Proposed latitude: N 41 8 32.80
Proposed longitude: W 95 33 39.00
Database file name: C:\FCCData\Fm990328
Use pre-1989 Class A spacings?: N

Proposed channel: 299C3

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
296C2	ALLOTM	14830	Osceola	IA	VACANT	94.6	143.3	56.0	
298C1	KKDM	14831	Des Moines	IA	LIC	72.9	198.0	144.0	
298C1	KKDM	14832	Des Moines	IA	LIC	70.1	173.8	144.0	
246C3	KNIMFM	15410	Maryville	MO	LIC	147.4	108.6	14.0	
300A	KKRF	15432	Stuart	IA	LIC	68.5	112.9	89.0	23.9
300C3	KKRF	15433	Stuart	IA	CP	68.5	112.9	99.0	13.9
299C	KMAJFM	15905	Topeka	KS	CP	187.1	244.8	237.0	7.8
299C	KMAJFM	15934	Topeka	KS	LIC	187.4	236.9	237.0	-0.1
299A		15967	Pacific Junction	IA	ADD	242.8	20.8	142.0	-121.2
296A	KDSNFM	15986	Denison	IA	LIC	10.8	101.1	42.0	
298C3	KMAPFM	15988	Castana	IA	CP	340.4	105.3	99.0	6.3
299C1	KICDFM	16025	Spencer	IA	LIC	8.5	227.3	211.0	16.3
297C1	KEZG	16552	Lincoln	NE	LIC	242.8	99.9	76.0	23.9
297C1	KEZG	16553	Lincoln	NE	LIC	250.3	103.1	76.0	
245C1	KZKX	16569	Seward	NE	LIC	269.3	106.9	24.0	
300C2	KWPNFM	16593	West Point	NE	LIC	307.9	117.5	117.0	0.5
299C1	KSYZFM	17887	Grand Island	NE	LIC	271.3	265.8	211.0	

***** End of channel 299 study *****

**ENGINEERING STATEMENT ON BEHALF OF
MITCHELL BROADCASTING CO. OF IOWA, INC
IN SUPPORT OF COMMENTS AND A COUNTERPROPOSAL
PACIFIC JUNCTION, IOWA CHANNEL 299 A
APRIL 1, 1999**

Coverage Considerations

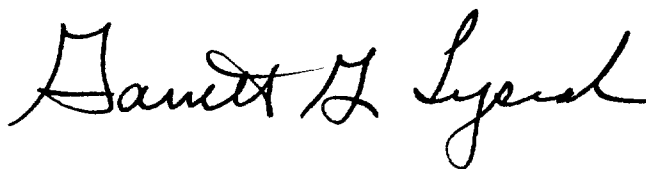
The Mitchell counterproposal was examined to determine if a Class C3 facility located at the reference coordinates would comply with FCC Rule Section 73.315 regarding minimum signal coverage requirements. The 70 dbu contour is depicted in engineering Exhibit E-1. As can be seen from this exhibit the community of Pacific Junction is completely served by a signal of 70 dbu or greater.

The F(50,50) metric curves of Figure 1 of Section 73.333 of the Commission's Rules were used to calculate the distance to the 70 dbu contour along the eight standard 45-degree spaced radials.

The Class C3 facility proposed would provide coverage to 4,864 sq. km and serve a population of 392,872 people.

The Mitchell counter proposal would provide a new aural service to Pacific Junction, Iowa with an increase in both area and population served in comparison to the Warga Broadcasting proposal.

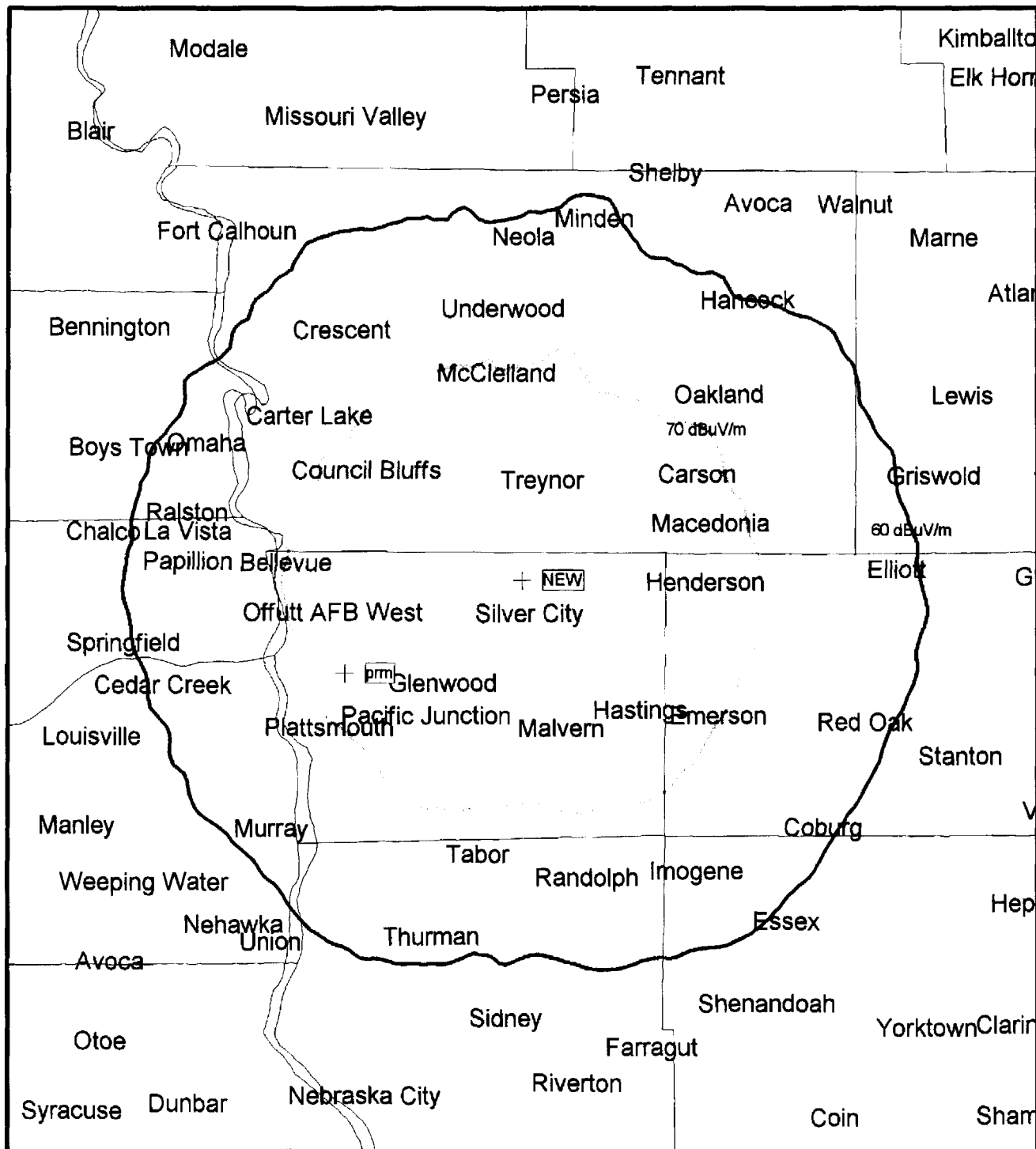
Respectfully Submitted,



Garrett G. Lysiak, P.E.

EXHIBIT TWO

Predicted Coverage Contours for
Proposed Class C3 Facility at Pacific Junction, Iowa



SIGNAL™: Pacific Junction.map

Prop. model: FCC-EDX
 Time: 50.0% Loc.: 50.0%
 Prediction Confidence Margin: 0.0dB
 Climate: Continental Temperate
 Groundcover: none
 Atmospheric Abs.: none
 K Factor: 1.333
 RX Antenna - Type: OMNI
 Height: 2.0 m AGL Gain: 0.00 dBd
 Field strength at remote

70.0 dBuV/m
 60.0 dBuV/m

Min. receiver threshold level: -200.0 dBmW

Site	Ant. Elev. AMSL (m)	ERPd (dBW)/Orient.	Ant. Type	Coordinates
NEW	442.7	44.00	Omni-V	N41°08'28.00"
group: 1	107.7000	MHz		W95°33'59.00"



OWL ENGINEERING, INC

Mitchell Broadcasting

Exhibit 1

April 1, 1999

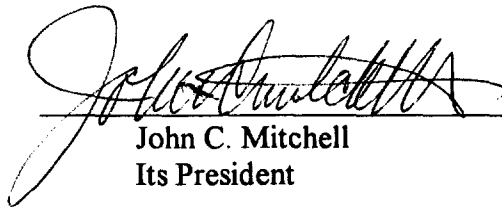
EXHIBIT THREE

I, John C. Mitchell, declare under penalty of perjury that the following statements are true and correct:

1. I am the President of Mitchell Broadcasting Co. of Iowa, Inc.;
2. I have reviewed the Counterproposal to which this Declaration is attached, and that the Counterproposal is true and correct to my knowledge; and
3. As the President of Mitchell Broadcasting Co. of Iowa, Inc., that I have the present intention to apply for Channel 299C3 at Pacific Junction, Iowa, and Mitchell Broadcasting Co. of Iowa, Inc. will construct the facility if authorized by the Commission.

MITCHELL BROADCASTING CO. OF IOWA, INC.

By

A handwritten signature in dark ink, appearing to read "John C. Mitchell", is written over a horizontal line.

John C. Mitchell
Its President


Date: 4-2-99

CERTIFICATE OF SERVICE

I, Susan A. Burk, a secretary in the law firm of Pepper & Corazzini, do hereby certify that on this 5th day of April, 1999, copies of the foregoing "**COUNTERPROPOSAL**" were hand-delivered on this date to the following:

Sharon P. McDonald
Audio Services Division
Mass Media Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Lawrence Bernstein, Esquire
1818 N Street, N.W.
Suite 700
Washington, D.C. 20036
Counsel for Warga Broadcasting, L.L.C.


Susan A. Burk

f:\wp\1331BB\certserv